

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**BRANDON P. BRUNETTI**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 2:09cv130-DAS**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security**

**DEFENDANT**

**FINAL JUDGMENT**

Following oral argument during a hearing held before the undersigned United States Magistrate Judge on October 26, 2010, the court determined that the ALJ's decision is not supported by substantial evidence. Specifically, the ALJ discounted the opinions of Dr. Tejander Saini, the claimant's treating psychiatrist, and Ms. Kerry McKnatt, the claimant's therapist, because he found they were inconsistent with treatment records. Because this determination has been called into question by arguments made by the claimant, the case will be remanded to the Commissioner for additional proceedings. First, the Commissioner shall assign the case to a new ALJ. Next, the new ALJ shall recontact Dr. Saini and Ms. McKnatt and have them clarify their opinions that the claimant is disabled. Lastly, the ALJ shall consider what effect, if any, this information has on a determination of whether the claimant is disabled. The ALJ may conduct any further proceedings not inconsistent with this order.

The parties, having consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit,

**IT IS, THEREFORE, ORDERED AND ADJUDGED:**

That this case is hereby **REMANDED** to the Commissioner for further proceedings as set out above.

**THIS**, 28<sup>th</sup> day of October, 2010.

/s/ David A. Sanders  
U. S. MAGISTRATE JUDGE